UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *6-18-09*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7-13,46-57 and 59-71* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-13,46-57 and 59-71* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20090713

Response to Amendment

This Office Action is in response to a communication made on June 18, 2009.

Claims 1-2, 7-11, 13, 46-47, 51, 59, and 63 are currently amended.

Claims 6, 14-45 and 58 have been cancelled.

Claims 67-71 are newly added.

Claims 1-5, 7-13, 46-57, and 59-71 are pending in this application.

Response to Arguments

Applicant's arguments with respect to claims 1 and 46 have been considered but

are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-10, 13, 46-54, 57, and 59-70 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Okamoto (7280566) in view of Gentry (6356951).

Regarding claims 1 and 46, Okamoto teaches a method comprising the steps

of: receiving a first data stream of multimedia data, determining the protocol of the first

stream, parsing a second packet of the first data stream based on the determined first

protocol (Col. 23, lines 18 – 36; Col. 23, line 29 – Col. 24, line 10); generating a

database based on parsing the second packet, the database comprising the information indicating a first property associated with the first data stream (Col. 25, line 59 - Col. 26, line 54-56).

Okamoto does not explicitly indicate selecting a first protocol from a plurality of available protocols; processing a first packet of the first data stream based on the first test protocol to determine a first processed result: and in response to determining the first processed result matches an expected result, choosing the protocol or storing second information different from the first indicating a second property associated with the first data stream, the second property being different from the first.

Gentry teaches a protocol determination system that includes selecting a first protocol from a plurality of available protocols; processing a first packet of the first data stream based on the first test protocol to determine a first processed result: and in response to determining the first processed result matches an expected result, choosing the protocol (Col. 21, lines 30 – 51; Col. 22, lines 39 – 64), can storing a plurality of descriptive information regarding values and attributes of the packet stream used to help identify and interpret the received stream (Col. 23, line 32 - Col. 24, line 67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Gentry's teaching of a programmed instructions for each of select protocol to have an editable updatable system for testing unknown packets for the selected/programmed protocol.

Regarding claim 67, Okamoto teaches a method, comprising: receiving a first data stream of multimedia data;

selecting a first protocol; processing a first packet of the first data stream based

on the first protocol and parsing a second packet of the first data stream based on the

first protocol (Col. 23, lines 18 – 36; Col. 23, line 29 – Col. 24, line 10);

storing a first set of descriptors based on processing the first packet in a first

database, a first descriptor of the first set of descriptors identifying a first property of the

first data stream (Col. 25, line 59 - Col. 26, line 54-56).

Okamoto does not explicitly indicate selecting a first protocol from a plurality of

available protocols; processing a first packet of the first data stream based on the first

test protocol to determine a first processed result: and in response to determining the

first processed result matches an expected result, choosing the protocol or storing

second information different from the first indicating a second property associated with

the first data stream, the second property being different from the first.

Gentry teaches a protocol determination system that includes selecting a first

protocol from a plurality of available protocols; processing a first packet of the first data

stream based on the first test protocol to determine a first processed result: and in

response to determining the first processed result matches an expected result, choosing

the protocol (Col. 21, lines 30 – 51; Col. 22, lines 39 – 64), can storing a plurality of

descriptive information regarding values and attributes of the packet stream used to

help identify and interpret the received stream (Col. 23, line 32 - Col. 24, line 67).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to use Gentry's teaching of a programmed instructions for each of

select protocol to have an editable updatable system for testing unknown packets for the selected/programmed protocol.

Regarding claim 2, Okamoto teaches the method as in claim 1, wherein the first protocol selected from the group consisting of MPEG-2, Direct TV, and DVD protocols (Col. 23, lines 56 – 64).

Regarding claims 3 and 47, Okamoto teaches the method as in claims 1 and 46, further comprising: storing a second portion of the first data stream in memory after the step of selecting the first protocol (Col. 23, lines 37 – 45).

Regarding claims 4 and 48, Okamoto teaches the method as in claims 3 and 47, wherein the second portion of the first data stream is received after the first portion of the first data stream(Col. 23, lines 37 – 45; where the second portion is the step of keeping the packet information to extract further information).

Regarding claims 5 and 49, Okamoto teaches the method as in claims 3 and 47, wherein the second portion of the first data stream includes the first portion of the first data stream (Col. 23, lines 37 - 45).

Regarding claims 6 and 50, Okamoto teaches the method as in claims 3 and 47, further comprising generating a database based on parsing the second packet (Col. 25, lines 59 – Col. 26, line 58).

Regarding claims 7 and 51, Okamoto teaches the method as in claims 6 and 50, further comprising parsing the second packet comprises a first set of descriptors associated with the first data stream (Col. 23, lines 40 - 46).

Regarding claims 8, 52, and 68, Okamoto teaches the method as in claims 7, 51, and 67, wherein the first set of descriptors includes a descriptor from the set of descriptors comprising a network identifier, multiplex information, and program information (Col. 23, lines 40 - 65).

Regarding claims 9, 53, and 69, Okamoto teaches the method as in claims 8, 52, and 68, wherein multiplex information includes transport stream identifiers and program identifiers (Col. 23, lines 40 - 46).

Regarding claims 10, 54, and 70, Okamoto teaches the method as in claims 8, 52, and 68, wherein the program information includes program numbers, program recovery clock identifiers, video data identifiers and audio data identifiers (Col. 2, lines 20 – 62; Col. 4, line 46 – Col. 5, line 20).

Regarding claims 13 and 57, Okamoto teaches the method as in claims 1 and 47, wherein the memory includes a frame buffer (Col. 12, line 65 - Col. 13, line 16).

Regarding claims 59 and 63, Okamoto teaches the method of claims 1 and 46.

Okamoto does not explicitly indicate in response to determining the first processed result does not match the expected result: selecting a second protocol from the plurality of available protocols; processing the first packet based on the second test protocol to determine a second processed result; and in response to determining the second processed result matches an expected result, parsing a second packet of the first data stream based on the second protocol.

Gentry teaches in response to determining the first processed result does not match the expected result: selecting a second protocol from the plurality of available

protocols; processing the first packet based on the second test protocol to determine a second processed result; and in response to determining the second processed result matches an expected result, parsing a second packet of the first data stream based on the second protocol (Col. 21, lines 30 – 51; Col. 22, lines 39 – 64).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Gentry's teaching of a programmed instructions for each of select protocol to have an editable updatable system for testing unknown packets for the selected/programmed protocol.

Regarding claims 60 and 64, Okamoto teaches the method of claims 1 and 46, wherein selecting the first protocol comprises selecting a first start code from a plurality of available start codes, the first start code indicative of a type of multimedia stream (Col. 13, lines 41-46).

Regarding claims 61 and 65, Okamoto teaches the method of claim 1, wherein selecting the first protocol comprises selecting a first set of physical interface parameters from a plurality of available interface parameters (Col. 12, lines 55 – 59).

Regarding claims 62 and 66, Okamoto teaches the method of claims 1 and 46, wherein selecting the first protocol comprises selecting a first packet length from a plurality of available packet lengths (Col. 12, lines 55 – 59).

Claims 11-12, 55-56, and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto in view of Gentry, and in further view of the examiner's official notice.

Regarding claims 11 and 55, Okamoto teaches the method as in claims 8 and 52 and analyzing and filtering packet streams based on any type of extracted management information (Col. 4, line 46 – Col. 5, line 20) and whether is an elementary stream (Col 34, lines 30 - 39), but Okamoto does not explicitly indicate wherein the set of descriptors further includes elementary stream information and closed captioning information.

The examiner takes "official notice" that elementary stream information and closed captioning information are types of information that can be extracted from packets and used to help process a media stream.

Regarding claims 12, 56, and 71, Okamoto teaches the method as in claims 11, 55, and 68, and analyzing and filtering packet streams based on any type of extracted management information (Col. 4, line 46 – Col. 5, line 20) and whether is an elementary stream (Col 34, lines 30 - 39), but Okamoto does not explicitly indicate wherein the set of descriptors further includes elementary stream information and closed captioning information.

The examiner takes "official notice" that data stream types and elementary stream identifiers are types of information that can be extracted from packets and used to help process a media stream.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN BATES whose telephone number is (571)272-3980. The examiner can normally be reached on M-F 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KEVIN BATES/
Primary Examiner, Art Unit 2456